



2021 ASSEMBLY JOINT RESOLUTION 78

September 10, 2021 - Introduced by Representatives SUBECK, ANDERSON, BROSTOFF, ANDRACA, CABRERA, CONLEY, CONSIDINE, HEBL, HESSELBEIN, MILROY, NEUBAUER, OHNSTAD, SHANKLAND, SNODGRASS, SPREITZER and VINING, cosponsored by Senators SMITH, LARSON, CARPENTER, AGARD, JOHNSON and RINGHAND. Referred to Committee on Constitution and Ethics.

AUTHORS SUBJECT TO CHANGE

1 **Relating to:** an advisory referendum on an amendment to the U.S. Constitution.

Analysis by the Legislative Reference Bureau

In the case of *Citizens United v. F.E.C.*, the U.S. Supreme Court ruled that corporations are “persons” for the purpose of political speech, thus allowing corporations to make unlimited expenditures in political campaigns. The U.S. Constitution grants Congress the power to propose amendments to the Constitution that become effective when ratified by the legislatures of three-fourths of the states. Amendments can have the effect of overturning—in effect repealing—prior decisions of the Supreme Court. This resolution places a question on the November 2022 ballot to ask the people if Congress should propose an amendment to overturn *Citizens United v. F.E.C.*

2 **Resolved by the assembly, the senate concurring, That** the following
3 question be submitted, for advisory purposes only, to the voters of this state at the
4 general election to be held in November 2022:

5 **QUESTION 1: *Overturning Citizens United.*** “The U.S. Supreme Court’s
6 decisions in *Citizens United* and related cases allow unlimited spending to influence
7 local, state, and federal elections. To allow all Americans to have an equal say in our

1 democracy, shall Wisconsin's congressional delegation support, and the Wisconsin
2 Legislature ratify, an amendment to the U.S. Constitution stating:

3 1. Only human beings—not corporations, unions, nonprofit organizations, or
4 similar associations—are endowed with constitutional rights; and

5 2. Money is not speech, and therefore limiting political contributions and
6 spending is not equivalent to restricting political speech?"

7 (END)